

# [RESCINDED]

DEPARTMENT OF ENERGY  
ECONOMIC REGULATORY ADMINISTRATION  
DELEGATION ORDER NO. 0204-12  
TO THE SPECIAL COUNSEL FOR COMPLIANCE

Pursuant to the authority delegated to me by the Secretary of Energy in Department of Energy (“DOE”) Delegation Order No. 0204-4, and pursuant to IMD No. 4104, there are hereby delegated to the Special Counsel for Compliance the following authorities to be exercised as he deems necessary for the purposes of (a) the completion of the audits of the 34 major refiners heretofore involved in the Refinery Audit Review Program, in respect to their compliance with applicable refiner price, and allocation regulations for the period November 1973 through December 31, 1976, and to the extent practicable for subsequent periods during the existence of his office; (b) the identification of violations of such regulations in such periods by such companies; (c) the initiation and prosecution of appropriate enforcement actions as may be necessary to correct or punish such violations:

- (1) to conduct audits and investigations;
- (2) with the concurrence of the Office of General Counsel, to take administrative enforcement actions, including without limitation the issuances of notices of probable violation, proposed remedial orders, remedial orders, notices of proposed disallowance, orders of disallowance and consent orders;
- (3) to initiate or participate in administrative proceedings;
- (4) with the concurrence of the Office of General Counsel and, as appropriate, the Department of Justice, to initiate, conduct, settle, compromise, determine penalties, and represent the United States, the Secretary of Energy, the Department of Energy (“DOE”), and other DOE officials in pending or newly initiated administrative actions and litigation, including appeals;
- (5) in coordination with the Office of General Counsel, to refer to the Department of Justice such cases as may require legal action by that Department.

The Special Counsel shall have exclusive operational jurisdiction over all issues and actions arising out of compliance audits and investigative and enforcement activities involving the said major refiners, as well as appropriate jurisdiction over other issues and actions directly affecting said refiners.

The Special Counsel may redelegate (with the right of redelegation), such authority delegated herein as may be necessary in his judgment to carry out the authorities delegated herein.

The Special Counsel shall identify and investigate any apparent violations of applicable laws or regulations discovered in the course of audits conducted by him, or now known or suspected to exist, and shall initiate or cause to be initiated, and conduct or represent the Secretary of Energy in such administrative actions and/or legal proceedings, including appeals, as may be necessary

/s/  
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David J. Bardin, Administrator  
Economic Regulatory Administration